

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

JORGE JUAN TORRES-LOPEZ

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CRIMINAL NO. C-13-1075-S

RESPONSE TO DEFENDANT’S MOTION TO CONTINUE SENTENCING

COMES NOW the United States of America, by and through Jennifer B. Lowery, Assistant United States Attorney, and Jon Muschenheim, Assistant United States Attorney, in and for the Southern District of Texas, and moves this Honorable Court to deny the motion to continue sentencing in the above referenced case currently set before this Court on May 20, 2021. In support thereof, the United States shows the following:

PROCEDURAL HISTORY

Defendant’s present counsel made appearances in this case in March 2019. After his extradition from Mexico, Defendant Torres Lopez made his initial appearance in October 2019. He pled guilty to Conspiracy to Launder Money on June 17, 2020. His Final PreSentence Investigation Report was docketed on August 31, 2020. He sought continuances of sentencing on September 4, 2020; October 19, 2020; January 6, 2021; March 12, 2021. The instant motion is the fifth Motion to Continue Sentencing and it is the first one that the government has opposed.

ARGUMENT

When the January 6, 2021 motion was filed, the defendant accurately averred that the United States was unopposed to a sixty-day continuance. DE 86 at paragraph 5. Over sixty days later, on March 12, 2021, when the Defense sought a continuance of 30 days, the government did

not object. DE 93. The defense has now received twice the 30 days they requested at the last continuance. At this point in time, Mr. Torres Lopez deserves to be sentenced. “The federal rule on point directs the court to “impose sentence without unnecessary delay.” Fed. Rule Crim. Proc. 32(b)(1). **Betterman v. Montana**, 136 S. Ct. 1609, 1617, 194 L. Ed. 2d 723 (2016). The government leaves it to the court’s discretion as to whether the current defense request demonstrates good cause to delay sentencing further. In light of the recent requests highlighted by this response, the government requests a date certain for sentencing.

Respectfully submitted,

JENNIFER B. LOWERY
Acting United States Attorney

By: */s/ Jon Muschenheim*

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CERTIFICATE OF SERVICE

Additionally, I have served a copy of said Response and Proposed Order to the attorney for defendant by electronic notification, on this May 14, 2021.

/s/ Jon Muschenheim

JON MUSCHENHEIM
Assistant United States Attorney